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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,980	12/31/2001	Eric R. White	VIGN1370-1	5326
44654	7590	11/17/2005		
SPRINKLE IP LAW GROUP 1301 W. 25TH STREET SUITE 408 AUSTIN, TX 78705				
			EXAMINER WU, QING YUAN	
			ART UNIT 2194	PAPER NUMBER

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/036,980	Applicant(s) WHITE ET AL.	
	Examiner Qing-Yuan Wu	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10/14/05.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-26 are pending in the application.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/14/05 has been entered.

### ***Drawings***

3. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 17-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

6. Claims 17-26 are directed to method steps which can be practiced mentally in conjunction with pen and paper, therefore they are directed to non-statutory subject matter. Specifically, as claimed, it is uncertain what performs each of the claimed method steps. The claimed steps do not define a machine or computer implemented process [see MPEP 2106]. (The examiner suggests applicant to change "method" to "computer implemented method" in the preamble to overcome the outstanding 35 U.S.C. 101 rejection).

*Claim Rejections - 35 USC § 112*

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-8 and 17-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The following claim language is indefinite:

i. As per claims 1 and 17, it is uncertain whether "the API" refers to "a public API" (i.e. if it does then said/the should be used and "the public API" should be used throughout all the claims).

*Claim Rejections - 35 USC § 103*

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-2, 9-10 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belknap et al (hereafter Belknap) (U.S. Patent 6,516,356), in view of Applicant Admitted Prior Art (hereafter AAPA).

11. As to claim 17, Belknap teaches the invention substantially as claimed including a method for integrating workflow engines comprising:

creating a public API for at least two media devices, wherein the API comprises a set of generic objects [10, 15, 25 Fig. 25; abstract, lines 4-6; col. 1, lines 47-49];

interfacing with the at least two media devices through an associated device API for each of the at least two media devices [22, 25, Fig. 1; col. 3, lines 11-14; col. 5, lines 57-59];

mapping said set of generic objects to a set of native objects for each of said media devices [abstract, lines 7-9; col. 1, lines 51-54; col. 3, lines 2-19, 26-33; col. 5, lines 55-57].

12. Belknap does not specifically teach heterogeneous underlying workflow engines. However, AAPA teaches heterogeneous workflow engines [AAPA, pg. 2, paragraph 5, lines 4-9; pg. 3, paragraph 7, lines 8-10].

13. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have combined the teaching of Belknap and the teaching of AAPA because the teaching of Belknap overcome the need to continuously update applications in order to utilize a new or updated proprietary device/application [col. 1, lines 30-34; AAPA, pg. 3, paragraph 6, lines 3-5].
14. As to claim 18, Belknap as modified teaches the invention substantially as claimed including:
- persistently maintaining a generic object; and delegating at least a portion of the set of generic objects to a set of corresponding native objects at one or more of said underlying workflow engine [col. 2, line 58-col. 3, line 13; AAPA, pg. 2, paragraphs 4, 6-7] (Examiner's interpretation of "persistently maintaining," as any action/non-action that ensure the continue existence of the object since the applicant did not preclude nor define this limitation).
15. As to claim 19, this claim is rejected for the same reason as claim 18 above.
16. As to claim 1, this claim is rejected for the same reason as claim 17 above. In addition, Belknap as modified teaches a plurality of adapters [15, Fig. 1; col. 1, lines 51-54].
17. As to claim 2, this claim is rejected for the same reason as claims 1, and 17-19 above.

18. As to claim 9, this claim is rejected for the same reason as claims 1 and 17 above.
19. As to claim 10, this claim is rejected for the same reason as claim 2 above.
20. Claims 5-7, 13-15, 20 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belknap and AAPA as applied to claims 1, 9 and 17 above, further in view of Schechter et al (hereafter Schechter) (U.S. PG Pub 20020133635 A1).
21. Schechter was cited in the last office action.
22. As to claim 20, this claim is rejected for the same reason as claim 17 above. Belknap as modified does not specifically teach mapping said native result to a generic result usable by a generic object from said set of generic objects. However, Belknap disclosed interact with media servers having different operational characteristics [col. 6, lines 30-33]. In addition, Schechter teaches transforming responses from devices having different capabilities into information usable by an application program running on the server [Schechter, pg. 3, paragraph 29, lines 5-13]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have combined the teaching of Belknap, AAPA and Schechter because the teaching of Schechter further enhances the teaching of Belknap and AAPA by providing intercommunication between the requesting application and the different media devices.

23. As to claim 23, Belknap as modified does not specifically teaches wherein in said set of generic objects is based upon an industry standard for workflow management. However, Belknap as modified disclosed the APIs correspond to different member functions of different classes, workflow management, and standards developed for the representation and implementation of workflow products interface [col. 3, line 33-col. 5, line 41; AAPA, pg. 2, paragraph 3 and pg. 4, paragraph 9]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have recognized that the generic object have to be based upon an industry standard (i.e. standards promulgated by the Workflow Management Coalition are well know in the art) for workflow management to overcome the restriction due to the different vendor implementations (i.e. to allow maximum compatibility between generic objects and proprietary objects).

24. As to claims 24-25, these claims are rejected for the same reason as claim 23 above.

25. As to claims 5-7, these are system claims that correspond to method claims 23-25 above. Therefore, they are rejected for the same reason as claims 23-25 above.

26. As to claims 13-15, these are system claims that correspond to method claims 23-25. Therefore, they are rejected for the same reason as claims 23-25 above.



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27. Claims 3-4, 8, 11-12, 16, 21-22, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belknap, AAPA and Schechter as applied to claim 20 above, further in view of Parnell et al (hereafter Parnell) (U.S. Patent 6,647,396).

28. Parnell was cited in the last office action.

29. As to claims 21-22, Belknap as modified does not specifically teach wherein said set of generic objects further comprises a payload object, and wherein said payload object associates a set of content items with a process instance. However, Belknap disclosed identifying whether the media object is located locally within the object store or at a remote location [col. 7, lines 4-8]. In addition, Parnell teaches applying content management to workflows [Parnell, col. 3, lines 5-12]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have combine the teaching of Parnell with the teaching of Belknap, AAPA and Schechter to include a payload object that associate a set of content items with a process instance given that the content might have been access previously or will be access multiple times.

30. As to claim 26, this claim is rejected for the same as claims 21-23 above.

31. As to claims 3-4, these are system claims that correspond to method claims 21-22. Therefore, they are rejected for the same reason as claims 21-22 above.

32. As to claim 8, this is a system claim that corresponds to method claim 26. Therefore, it is rejected for the same reason as claim 26 above.

33. As to claims 11-12, these are system claims that correspond to method claims 21-22. Therefore, they are rejected for the same reason as claims 21-22 above.

34. As to claim 16, this is a system claim that corresponds to method claim 26. Therefore, it is rejected for the same reason as claim 26 above.

35. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

“Workflow Management Coalition Terminology & Glossary” teaches workflow management.

***Response to Arguments***

36. Applicant's arguments filed 10/14/05 are fully considered but are moot in view of the new ground(s) of rejection.

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Qing-Yuan Wu

Examiner

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